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LAW ON MILITARY SERVICE CONDITIONS
IN CZECHOSLOVAKIA

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LAW ON MILITARY SERVICE CONDITIONS
IN CZECHOSLOVAKIA

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36, December 29 1959, Prague, Pages 313-319.]

The National Assembly of the Czechoslovak Republic
(Národní shromáždění Republiky československé) adopted
the following law:

Article 1

Introductory Provision

Citizens of the Czechoslovak Republic serve in the armed
forces, organized for the purpose of defending the freedom
and independence of the state and the socialist system.
The purpose of this Law is to adjust military service con-
ditions to the existing state of development of the armed
services, to create conditions for the further improvement
of service in the armed forces, and to include in the legal
provisions some rights and obligations of servicemen which
have until now been regulated by different military rules.

I

Military Oath

Article 2

(1) The military oath is a solemn pledge taken by ser-
vicemen to fulfill their obligations of state defense,
based primarily on the constitution, laws, military regu-
lations, and orders.

(2) Servicemen must take the following oath:

"I, a citizen of the Czechoslovak Republic, conscious
of my honorable patriotic duty, pledge allegiance before
the battle banner to the working people led by the Commu-
nist Party of Czechoslovakia.

"I swear to become a brave and disciplined soldier, to follow consistently and with initiative all the provisions of military regulations, orders of the commanders, and to keep military secrets. I shall conscientiously learn the military technique, to handle the arms entrusted to my by the working people, and to prepare for battle in order to be able to follow the order of the President and the Government of the Czechoslovak Republic to defend my fatherland and its socialist order against any enemy as best I can.

"I am always ready to stand firmly in the ranks of the armed forces of the Czechoslovak Republic shoulder to shoulder with the Soviet Army and other armies of the socialist countries to defend socialism against its enemies, and to offer my life to achieve victory.

"Thus do I swear!"

II

Military Ranks

Article 3

(1) Military ranks (hereinafter called "rank") is the expression of political qualities, military knowledge, experience, and ability to command military units or to serve on staffs and in installations of the armed forces.

(2) Rank is granted to military persons with regard to their moral, political, and professional qualities; service record, merits, function, and length of their military service..

Article 4

The ranks are as follows:

- a) enlisted men: private.
- b) Non-commissioned officers: corporal [svobodnik], 2nd sergeant [desatnik], 1st sergeant [cetar].
- c) Warrant officers [praporcik]: staff sergeant [rotny], 5th warrant officer [rotmistr], 4th warrant officer [nadrotmistr], 3rd warrant officer [podpraporcik], 2nd warrant officer [praporcik], 1st warrant officer [nadpraporcik].

d) Officers: 3rd lieutenant /podporucik/, 2nd lieutenant /porucik/, 1st lieutenant /nadporucik/, captain, major, lieutenant colonel /podplukovnik/, colonel.

e) Generals: major general, lieutenant general, colonel general, army general.

Article 5

Commission and Promotion

(1) Military persons in active service or reserve who have not been commissioned or promoted to higher ranks are privates.

(2) Only those military persons can be commissioned or promoted who are unconditionally faithful to the working people and socialist order, who have the necessary physical capacity, and who meet the moral, political, and professional requirements as determined by the implementation instructions.

(3) The appointment and promotion of generals is proposed by the Cabinet of Minister and executed by the President of the Republic. Officers are appointed or promoted by the Minister of National Defense /Ministr narodni obrany/ and the Minister of the Interior /Ministr vnitra/, or other authorized agencies. Noncommissioned officers and warrant officers are appointed and promoted by the Minister of National Defense and the Minister of the Interior or other authorized agencies.

Article 6

Demotion

(1) A higher rank

a) is reduced when the military person proves by his deeds to have a hostile attitude toward the socialist order;

b) may be reduced when a military person commits an act which is in direct contradiction to the moral and political requirements of a member of the commanding staff of the armed forces.

(2) Military persons reduced in rank become privates.

(3) Demotion is proposed by commissions established by the Minister of National Defense and Minister of the Interior.

(4) The demotion of generals is proposed by the Cabinet of Ministers and executed by the President of the Republic. Other military persons are demoted by the Minister of National Defense and Minister of the Interior, warrant officers and noncommissioned officers or by other authorized agencies.

(5) Provisions on demotion contained in the Penal Code are not altered by this Law.

Article 7

Temporary Ranks

(1) Military personnel may be promoted temporarily to a higher rank for the period necessary for the discharge of an entrusted function or task.

(2) Temporary promotion does not change the normal relation of the serviceman toward the armed forces.

(3) Servicemen who are promoted temporarily have the rights and duties connected with their temporary rank; however, the temporary promotion does not constitute a claim for the adjustment of salary, health insurance and retirement benefits.

(4) Temporary promotion is granted by organs which grant regular promotion.

Article 8

The Minister of National Defense and the Minister of the Interior shall issue detailed instructions implementing this section of the Law.

III

Uniform

Article 9

(1) Military personnel in active service must wear the uniform, distinctions, and other prescribed equipment save

where the Minister of National Defense or the Minister of the Interior determine otherwise.

(2) Career servicemen are allowed to wear civilian clothing when not on duty.

(3) Regulations on the uniform, distinctions, and other equipment shall be issued by the Minister of Defense and Minister of the Interior, who shall also define the principles on the wearing of the uniform by military personnel not in active service, including their rights and duties.

IV

Appointment of Military Persons to Functions

Article 10

(1) Military persons are selected and appointed to functions in accordance with the requirements of the armed forces on the basis of their political and professional qualities, leadership and organizational abilities, and with regard to their personal character, normally after they have acquired the necessary training and experience.

(2) Military persons are appointed to their functions by the Minister of National Defense and Minister of the Interior or by other authorized agencies. This provision does not apply to the functions to which persons are appointed by the President of the Republic or by special provision.

(3) Military persons may be relieved of their functions in urgent cases by a commanding officer who is at least two ranks higher.

(4) Detailed instructions shall be issued by the Minister of National Defense and Minister of the Interior.

V

Working Time and Leave

Article 11

Working Time

(1) Permanent battle readiness of the armed forces is the indispensable condition of the successful defense of the fatherland. Permanent battle readiness does not permit the general regulations concerning the working conditions of workers and employees to be applied to military personnel on active duty; regulations concerning overtime work, night work, and holiday work are particularly inapplicable.

(2) The distribution and length of working time is determined by service regulations and orders in accordance with the actual service tasks.

(3) Commanding officers must grant to their subordinates an opportunity for participation in political, professional, and cultural activities, for the fulfillment of other civic obligations, and for rest, in accordance with the working time and difficulty of service.

Article 12

Leave

(1) Military personnel in basic service are entitled to ten days of leave per year of basic service. This leave may be prolonged, commensurate with the difficulty of service, by a maximum of five days by the agency authorized by the proper ministry.

(2) Career servicemen and military personnel in prolonged active service are entitled to thirty days of leave during each calendar year. If the regular leave cannot be granted for exceptional reasons during the calendar year, it shall be granted during the first quarter of the following year.

(3) Leave without pay or short (special) leave may be granted to military personnel under conditions and within the scope determined by the Minister of National Defense and Minister of the Interior.

(4) Detailed instructions shall be issued by the Minister of National Defense and Minister of the Interior.

VI

Military Disciplinary Law

Article 13

(1) All servicemen are obliged to observe military discipline and to improve it.

(2) It is the duty of commanding officers to educate their subordinates to observe military discipline conscientiously. For that reason they are entitled to grant disciplinary awards and take disciplinary action. The purpose of this disciplinary jurisdiction is to maintain and improve military order and discipline.

Article 14

Scope of Military Disciplinary Jurisdiction

The following military persons are under disciplinary jurisdiction:

- a) Military personnel in active service.
- b) Persons who are members of the armed forces because they have been called up to perform special services.
- c) Persons called up to perform personal tasks for the armed forces.
- d) Military persons not in active service when they commit an offense while in uniform.
- e) Persons who are about to start their active service and whose act is not of a criminal nature.
- f) Prisoners of war.

Article 15

Disciplinary Rewards

(1) Disciplinary rewards are granted for acts deserving recognition or for exemplary fulfillment of their military duties.

(2) Disciplinary rewards are notably the following: commendation, gifts in money or in kind, honorary badges and extraordinary promotion.

Article 16

Disciplinary Offenses

A disciplinary offense is an intentional act or act of omission which is in contradiction to military regulations, orders, or instructions and which disrupts military discipline, save where the act is punishable under the Penal Code, Administrative Penal Code, or other legal provisions.

Article 17

Disciplinary Penalties

(1) Disciplinary penalties are as follows: reprimand, disciplinary penalties, deprivation of liberty, degradation of one grade and, also, reduction in rank in the case of noncommissioned officers.

(2) Disciplinary penalties concerning the deprivation of liberty are as follows: confinement to guardroom / vez-eni po sluzbe /, imprisonment, and room detention.

(3) The highest disciplinary penalty is 21 days.

Article 18

Imposition of Disciplinary Penalties

(1) A disciplinary penalty can be imposed upon a subordinate for a disciplinary offense if other milder means (reprimand, admonition) are not sufficient to improve the person and restore discipline.

(2) The type and size of penalty should be proportional to the nature of the offense and its consequences, to the degree of guilt, circumstances under which it is committed, past record of good behavior, expected effect of the penalty and the moral condition of the unit.

(3) The commanding officer is responsible for a proper investigation of the case and hearing of the defendant before a penalty is imposed.

Article 19

Suspended Sentence

The commanding officer, who imposes the penalty, can suspend it for a period of one to three months if he can reasonably expect that the effect of the penalty would be achieved even without its execution due to the past behavior of the defendant and the circumstances of the case.

Article 20

Appeal

(1) The defendant has the right to appeal against the imposed disciplinary penalty if he maintains that he did not commit the disciplinary offense, or if the commanding officer exceeded his disciplinary jurisdiction.

(2) As far as deprivation of liberty is concerned, the defendant may also appeal against the length of this deprivation if he feels that the commanding officer violated provisions of Article 18, Paragraph 2.

(3) An appeal against the deprivation of liberty has a postponement effect.

(4) The defendant has the right to make a motivated appeal to the commanding officer who is next in rank to the one who imposed the penalty. He can abolish, reduce, or let the penalty stand. His decision cannot be appealed.

Article 21

(1) A disciplinary offense becomes subject to prescription after a year from the day it is committed.

(2) A disciplinary penalty can be extinguished.

Article 22

Detailed provisions on the disciplinary law are determined by the disciplinary regulations that shall be issued by the President of the Republic.

VII

Professional Military Persons

Article 23

Only Czechoslovak citizens devoted to the working people and the socialist order without any reservation, in proper physical condition, and meeting all moral, political, and professional requirements contained in the regulations implementing this Law can be employed as professional military persons.

Article 24

(1) Professional military personnel are warrant officers, officers, and generals, who perform their service as their occupation, which they choose by their own application after they complete basic (reserve) service.

(2) If a military person is employed as a professional military person who, according to the law, is obliged to stay in prolonged military service, he serves as a military person in the prolonged military service.

Article 25

Beginning and End of Service

The service of a professional serviceman begins on the day he is employed; it ends when he is discharged from the service, when he is demoted, when he loses his rank, is dismissed from the armed forces, or dies.

Article 26

Discharge from the Service

(1) A professional serviceman is discharged if he applies for a discharge within a prescribed time, provided his discharge is not in contradiction to Article 25, Paragraph 2 of the Military Code, and the time of discharge does not contradict the requirements of the armed forces; if it is in contradiction the person is discharged not later than the end of the training year if the application is submitted at least three months before its end.

(2) The following professional military personnel may be discharged:

a) persons who are unable to perform their function successfully due to their age or physical condition, and for whom the armed forces has no other use, provided they are entitled to the retirement benefits;

b) persons who are declared unfit for active service because of their health by the military medical commission;

c) persons who are declared by the military medical commission to have a reduced ability to serve because of their health, and for whom there is no suitable work in the armed forces;

d) persons for whom there is no place in the armed forces after organizational changes;

e) persons who are declared unfit due to moral, political, or professional reasons;

f) persons whose further service as a professional military person would be against important military or state interests.

(3) A military person who is scheduled to be discharged according to Paragraph 2a) to e) must be notified three months in advance if there is no other mutual agreement.

(4) Discharge according to Paragraph 2f) is proposed by commissions established by the Minister of National Defense and Minister of the Interior.

Article 27

Professional military persons are employed or discharged by the Minister of National Defense and Minister of the Interior; warrant officers can also be employed or discharged by other authorized agencies.

Article 28

(1) Professional military persons have the duty to serve in places and functions according to the requirements of the armed forces, to fulfill their service obligations with initiative and responsibility, and to steadily improve their political and professional knowledge and physical condition.

(2) A military person can be transferred at his own request if it is not against the interest of their service.

Article 29

(1) Professional military persons are not allowed to have another job; they can work for the purpose of earning money only with the permission of the proper armed forces agencies.

(2) Professional military persons may study at schools outside the armed forces only with the permission of the proper armed forces organ.

Article 30

Professional military personnel can be transferred or temporarily assigned to the civilian budget and economic organizations under conditions determined by the Government.

Article 31

Professional military personnel retirement before reaching 55 are entitled to employment adequate to their moral, political, and professional qualities and abilities. Detailed provisions shall be issued by the Government.

Article 32

Detailed provisions concerning this section of the Law shall be determined by the Minister of Defense and Minister of the Interior unless their preparation is not left to the Government.

VIII

Military Comrades' Courts

Article 33

(1) Military comrades' courts can be elected in the armed forces as collective educational organs of the commanders with the purpose of strengthening socialist morality and military discipline.

(2) The comrades' courts deal with minor offenses against the principle of socialist life, and with cases of irresponsible attitudes toward the fulfillment of duties. They have the right to propose disciplinary penalties, and cadre as well as other measures.

(3) Activities of the military comrades' courts are directed by the Ministry of National Defense and Ministry of the Interior, who shall issue detailed instructions on their organization and activities.

IX

Members of the State Security (statni bezpecnost) and
Members of the Public Security (Verejna bezpecnost)

Article 34

(1) Provisions of this Law are applied accordingly to the members of the State Security and members of the Public Security with the following exceptions:

a) Article 2, Article 24 Paragraph 2, Article 26 Paragraph 1, Article 36 and 37 cannot be applied;

b) Ranks of warrant officers are as follows: staff sergeant / rotny /, 2nd police officer / strazmistr /, 1st police officer / nadstrazmistr /, 3rd warrant officer / podpraporcik /, 2nd warrant officer / praporcik /, 1st warrant officer / nadpraporcik /;

c) Detailed provisions of the disciplinary law are determined by disciplinary regulations that shall be issued by the Minister of the Interior;

d) Members of the State Security and Public Security can be discharged at their own request on the basis of serious reasons.

(2) Article 6 Paragraph 1 concerning reduction in rank applies also to members of the State Security and Public Security.

X

Common, Temporary, and Concluding Provisions

Article 35

The Minister of National Defense and Minister of the Interior can, after a mutual agreement, regulate relations between military personnel in active service and members of the State Security and Public Security.

Article 36

(1) Employment of professional non-commissioned officers based on Law No. 44/1949 Sb. / Sbirka zakonu a narizeni / ends on 30 September 1960.

(2) Non-commissioned officers will be employed as professional warrant officers at their own request beginning 1 October 1960 through an application made not later than 10 June 1960, provided they meet the requirement of Article 23 of this Law.

(3) Professional non-commissioned officers who do not apply for the position of professional warrant officer or who do not meet the requirement for employment, are obliged to fulfill their obligation as regards their prolonged service.

(4) Detailed instructions shall be issued by the Minister of National Defense and Minister of the Interior.

Article 37

Military personnel who attained the rank of "starsina" will be entitled to the rank of 5th warrant officer / rotmistr_ /.

Article 38

Warrant officers in reserve are obliged to undergo military training according to the Military Code for the same length of time and under the same conditions as non-commissioned officers in reserve.

Article 39

The following laws are abolished:

1. As of 1 May 1960

a) Law No. 72/1946 Sb. on some legal provisions concerning professional officers and warrant officers / rotmistr_ /, and on the taking over of some persons by the Czechoslovak Armed Forces;

b) Law No. 29/1947 Sb. on the liquidation of the so-called Government Forces / vladni vojsko_ /, as well as employment and other settlement of its employees;

c) Law No. 60/1947 Sb. changing Law No. 72 of 6 March 1946 Sb. on the legal provision concerning professional officers and warrant officers, and on the taking over of some persons by the Czechoslovak Armed Forces;

d) Law No. 116/1947 Sb. on some legal provisions concerning officers, warrant officers and aspirant non-commissioned officers in reserve;

e) Law No. 134/1948 Sb. which extended the validity of some legal provisions concerning professional officers and warrant officers /rotmistr/, and on the taking over of some persons by the Czechoslovak Armed Forces;

f) Law No. 59/1949 Sb. on the reduction in grade of some officers, warrant officers, and non-commissioned officers not in active service;

g) Law No. 199/1949 Sb. on the provisions related to the disciplinary law of the members of armed groups /ozbrojeny sbor/;

i) Article 4 of Law No. 88/1952 Sb. on the material security of the members of armed forces;

j) Articles 3 to 5 of Law No. 286/1948 Sb. on the National Security /narodni bezpecnost/.

2. As of 1 October 1960

a) Law No. 44/1940 Sb. on the legal provisions related to the reorganization of the commanding staff of the army;

b) Article 5 of Law No. 88/1952 Sb. on the material security of members of the armed forces.

Article 40

This Law becomes effective on 1 May 1960, with the exception of Article 4, which becomes effective on 1 October 1960; it shall be implemented by the Minister of National Defense and Minister of the Interior:

Signed: Novovotny
Fierlinger
Siroky
Army General Lomsky
Barak

END

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